

# Notice of Allowability

Application No.

09/722,485

Examiner

Rudy Zervigon

Applicant(s)

NARUSHIMA, MASAKI

Art Unit

1763

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview summary of May 5, 2005.
2. ☒ The allowed claim(s) is/are 1,4-6,9-12,17-22,26,27,30-32,36-42,44,56,58-60,62,63,67,75 and 76.
3. ☒ The drawings filed on 28 November 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |                                                                                                                     |                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)                                                    | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>5/5/2005</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                                                     |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|                                                                                                                     | 9. <input type="checkbox"/> Other _____                                                                      |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 20, 2005 has been entered.

### ***Allowable Subject Matter***

2. Claims 1, 4-6, 9-12, 17-22, 26, 27, 30-32, 36-42, 44, 56, 58-60, 62, 63, 67, 75, and 76 allowed.

3. The following is a statement of reasons for the indication of allowable subject matter: The Examiner's interview on May 5, 2005 with Phillip Hoffman addressed both the teachings of the prior art, in particular with the references to Logan et al (USPat. 5,155,652) and Gilchrist, Robin et al (US 5,846,375 A) in view of Manabu Edamura (JP407337630A) as cited in the Final Rejection of October 20, 2004, and the Examiner's motivation for combining these references. As per the content of the interview summary, attached, the Examiner agreed to reconsider the Examiner's proposed combination. The Examiner has reviewed and reconsidered the pending rejections and believes Applicant has already issued claim amendments that, considered alone, patentably distinguish the instant invention from the closest prior art cited above. The claim analysis in view of the closest prior art to Logan et al (USPat. 5,155,652), Gilchrist, Robin et al (US 5,846,375 A), and Manabu Edamura (JP407337630A) are discussed in the Final Rejection of October 20, 2004. All of the independent claims 1, 18, 19, and 56 require "a plurality of first

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passages disposed concentrically in the heater base and a plurality of second passages connecting the plurality of first passages without being aligned in a direction towards a center of concentricity of the plurality of first passages..”. Among the claim elements not taught by Logan et al, as discussed in the Final Rejection, none of the prior art teach or suggest the above cited portion of all the pending independent claims. For at least this reason, the Examiner believes Applicant has claimed an apparatus that is patentable over all the cited and applied references.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Rudy Zervigon whose telephone number is (571) 272.1442. The examiner can normally be reached on a Monday through Thursday schedule from 8am through 7pm. The official fax phone number for the 1763 art unit is (703) 872-9306. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Chemical and Materials Engineering art unit receptionist at (571) 272-1700. If the examiner can not be reached please contact the examiner’s supervisor, Parviz Hassanzadeh, at (571) 272-1435.

*Rudy Zervigon*  
5/9/5